
**Early Learning & Children's Services
Committee**

HB 1769

Brief Description: Concerning housing assistance in dependency matters.

Sponsors: Representatives Orwall, White, Dammeier, Clibborn, Nelson, Lias, Carlyle, Eddy, Uptegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell.

Brief Summary of Bill

- Clarifies the court's authority to order housing assistance be provided to parents in children's dependency cases.

Hearing Date: 2/6/09

Staff: Sydney Forrester (786-7120)

Background:

In children's dependency cases, the court has authority to order various treatment and services be provided to parents and children to facilitate reunification. The court, in conducting dependency review hearings, has explicit authority to order housing assistance, but only in cases where homelessness or the lack of adequate and safe housing is the primary reason for the child's out-of-home placement. Orders for housing assistance also are subject to the availability of funding appropriated specifically for housing assistance.

In 1997 the Washington State Supreme Court, in *Washington State Coalition for the Homeless v. DSHS*, 133 Wn.2d 894 (1997), ruled that the juvenile dependency court "has authority to order the Department of Social and Health Services (DSHS) to provide the family with some form of assistance in securing adequate housing in those cases where homelessness or lack of safe and adequate housing is the primary reason for the foster placement or the primary reason for" continuing the child's placement out of the home. The court also held that the nature of housing assistance services provided to families was within the discretion of the DSHS, but the court

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would determine the adequacy of the services and the reasonableness of the agency's effort. Following this ruling, the legislature amended the dependency statute in a number of areas to include "housing assistance" and "housing services."

The term "housing services" is one of the "preventive services" defined as "services capable of preventing the need for an out-of-home placement while protecting the child." "Housing services" are described as referrals to federal, state, local, or private agencies that assist people in need with completing forms and applications, or that provide financial subsidies for housing. The term "housing assistance" is not defined.

Summary of Bill:

The court is authorized to order housing assistance when such assistance would likely work to either prevent, or shorten the need for, the child's out-of-home placement.

Appropriation: None.

Fiscal Note: Requested on January 30, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.